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REAUTHORIZING THE TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT OF 1978 AND THE NAVAJO COMMUNITY COLLEGE ACT

JULY 16 (legislative day, JULY 10), 1990.—Ordered to be printed

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Mr. INOUYE, from the Select Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 2167]

The Select Committee on Indian Affairs, to which was referred the bill (S. 2167) to reauthorize the Tribally Controlled Community College Assistance Act of 1978 and the Navajo Community College Act, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TRIBALLY CONTROLLED COMMUNITY COLLEGES.

(a) STUDENT COUNT.—(1) Section 108(a)(1) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1808(a)) is amended to read as follows:

"(1) the Indian student count at such college during the academic year preceding the academic year for which such funds are being made available, as determined by the Secretary in accordance with section 2(a)(7); and".

(2) Section 108(b)(1) of such Act is amended to read as follows:

"(1) The Secretary shall make payments, pursuant to grants under this Act, of not less than 95 percent of the funds available for allotment by October 15 or no later than 14 days after appropriations become available, with a payment equal to the remainder of any grant to which a grantee is entitled to be made no later than January 1 of each fiscal year.".

(3) The last subsection of section 108 of such Act, which is designated as subsection (c), is hereby designated as subsection (d).

(b) AUTHORIZATIONS.—(1) Section 110(a)(1) of such Act (25 U.S.C. 1810(a)(1)) is amended by deleting "1987, 1988, 1989, and 1990" and inserting in lieu thereof "1990 and 1991, and for fiscal year 1992, such sums as may be necessary".

(2) Section 110(a)(2) of such Act is amended by deleting "1987, 1988, 1989, and 1990" and inserting in lieu thereof "1990 and 1991, and for fiscal year 1992, such sums as may be necessary".

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(3) Section 110(a)(3) of such Act is amended by deleting "1987, 1988, 1989, and 1990" and inserting in lieu thereof "1990, 1991, and 1992".

(c) ALLOCATION.—(1) Section 111(a)(1)(A) of such Act is amended to read as follows:

"(A) the Secretary shall first allocate to each such applicant which received funds under section 107 for the preceding fiscal year an amount equal to 95 percent of the payment received by such applicant under section 108;".

(2) Section 111(a)(1)(B)(ii) of such Act is amended to read as follows:

"(ii) the applicant's projected Indian student count for the academic year for which payment is being made;".

(d) ENDOWMENTS.—(1) Title III of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1831 et seq.) is amended—

(A) by striking out "equal to" in section 302(b)(2)(B) and inserting in lieu thereof "(or of a value) equal to half of",

(B) by striking out "an equal amount of Federal capital contribution" in section 302(b)(4) and inserting in lieu thereof "an amount of Federal capital contribution equal to twice the amount of (or value of) such withdrawal",

(C) by adding at the end of section 304 the following: "Any real or personal property received by a tribally controlled community college as a donation or gift on or after the date of the enactment of this sentence may, to the extent of its fair market value as determined by the Secretary, be used by such college as its contribution pursuant to section 302(b)(2)(B), or as part of such contribution, as the case may be. In any case in which any such real or personal property so used is thereafter sold or otherwise disposed of by such college, the proceeds therefrom shall be deposited pursuant to section 302(b)(2)(B) but shall not again be considered for Federal capital contribution purposes.";

(D) by inserting "twice the value of the property or" after "equal to" in section 305 each place it appears,

(E) by striking out "$350,000" in section 305(a) and inserting in lieu thereof "$750,000", and

(F) by striking out "and 1990" in section 306(a) and inserting in lieu thereof "1990 and 1991, and for fiscal year 1992, $10,000,000".

(2) The amendments made by paragraphs (A) through (E) of subsection (a) shall take effect October 1, 1991.

SEC. 2. NAVAJO COMMUNITY COLLEGE.

(a) AUTHORIZATION.—Paragraph (1) of section 5(a) of the Navajo Community College Act (25 U.S.C. 640c-1) is amended by striking out "1987, 1988, 1989, and 1990" and inserting in lieu thereof "1990, 1991, and 1992".

(b) INVENTORY.—Section 4 of such Act (25 U.S.C. 640c) is amended by adding at the end thereof the following new subsection:

"(c) No later than March 1991, an inventory prepared by the Navajo Community College identifying repairs, alterations, and renovations to facilities required to meet health and safety standards shall be submitted to the Secretary and appropriate committees of Congress. Within 60 days following the receipt of such inventory, the Secretary shall review the inventory, evaluating the needs identified, and transmit the written comments of the Department of the Interior to the appropriate committees of Congress, together with the Department's evaluation prepared by the health and safety division of the Bureau of Indian Affairs.".

SEC. 3. GIFTED AND TALENTED PROGRAMS.

Title IV of the Augustus F. Hawkins, Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 is amended by—

(1) redesignating sections 4008 and 4009 as sections 4010 and 4011, respectively; and

(2) inserting after section 4007 the following new sections:

"SEC. 4008. AMERICAN SAMOAN AND GUAMANIAN GIFTED AND TALENTED DEMONSTRATION PROGRAM.

"(a) GIFTED AND TALENTED DEMONSTRATION AUTHORITY.—(1) The Secretary shall provide a grant to, or enter into a contract with, the governments of American Samoa and Guam—

"(A) to establish a Gifted and Talented Center in American Samoa and Guam; and

"(B) for demonstration projects designed to—

"(i) address the special needs of American Samoan and Guamanian elementary and secondary school students who are gifted and talented students; and

"(ii) provide support services to their families that are needed to enable such students to benefit from the project.

Such a grant or contract shall be subject to the availability of appropriated funds and, contingent on satisfactory performance by the grantee, shall be provided for a term of 4 years.

"(2) After the term of each grant or contract provided, or entered into, under paragraph (1) has expired, the Secretary may, for the purposes described in subparagraphs (A) and (B) of paragraph (1), provide a grant to, or enter into a contract with, an accredited institution of higher education in American Samoa and Guam. Such grant or contract shall be provided on an annual basis. The grantees shall be authorized to subcontract when appropriate.

"(3) The governments of American Samoa or Guam or any accredited institution of higher education receiving a grant or entering into a contract under this subsection may enter into a contract with any other person for the purpose of carrying out the demonstration projects for which such grant was awarded or for which the contract was entered into by the Secretary.

"(4) The centers described in subparagraph (A) of paragraph (1) shall participate in a national network of Native Hawaiian, American Indian and Alaska Native Gifted and Talented Centers.

"(b) USES OF FUNDS.--Demonstration projects funded under this section may include—

"(1) the identification of the special needs of gifted and talented students, particularly at the elementary school level, with attention to—

"(A) the development of criteria for identifying gifted and talented American Samoan and Guamanian students;

"(B) the emotional and psychosocial needs of these children; and

"(C) the provision of support services to their families that are needed to enable these students to benefit from the projects;

"(2) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the education needs of such gifted and talented children, including, but not limited to, demonstrating and exploring the use of Native languages and exposure to cultural traditions;

"(3) the use of educational technology, including video and computers, in meeting the special educational needs of such gifted and talented children;

"(4) leadership programs, including the dissemination of information derived from the demonstration projects conducted under this section; and

"(5) appropriate research, evaluation, and related activities pertaining to—

"(A) the needs of such children;

"(B) the provision of those support services to their families that are needed to enable such children to benefit from the projects; and

"(C) teacher training.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the amounts appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) ADVISORY COUNCIL.—(1) The Secretary, in cooperation with appropriate local educational agencies, shall establish an advisory council (hereafter in this section referred to as the 'Council') within 1 year after enactment of this section.

"(2) The purpose of the Council shall be to—

"(A) advise in the development of criteria to identify gifted and talented children;

"(B) advise in the development of programs to meet the special needs of such children, which may include using the Native Hawaiian Gifted and Talented Center as a resource;

"(C) monitor the implementation of the gifted and talented programs and recommend changes, as appropriate; and

"(D) study and report on the feasibility of establishing gifted and talented programs in Pacific territories and possessions of the United States other than American Samoa and Guam and report to the appropriate committees of Congress within one year after the establishment of the Council.

"(3) The Council shall be composed of—

"(A) representatives of educational institutions, public schools, agencies, organizations and associations in American Samoa and Guam and throughout the Pacific Basin associated with the education of Pacific Basin children; and

"(B) individuals in American Samoa and Guam and throughout the Pacific Basin who have a special knowledge of and special competence in working with

Pacific Basin Islanders and problems in the Pacific Basin, including education, health and economic problems.

"(4) The Secretary of Education shall appoint the members of the Council from recommendations made by the governments of American Samoa and Guam and the United States Department of Education.

"(5) The Council shall elect its chairman from among its members.

"(6) The Council may reserve not more than 15 percent of the funds appropriated pursuant to the authority of paragraph (8) for administrative purposes, including staff salaries.

"(7) While away from their homes or regular places of business in the performance of duties for the Commission, all members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at a rate established by the Commission not to exceed the rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

"(8) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

"(e) HIGHER EDUCATION SCHOLARSHIPS.—(1) The Secretary shall make grants to the governments of American Samoa and Guam for a demonstration program to provide higher education fellowship assistance to American Samoan and Guamanian students. The demonstration program under this section may include—

"(A) full or partial fellowship support for American Samoan and Guamanian students enrolled at an accredited 2- or 4-year degree granting institution of higher education with awards to be based on academic potential and financial need;

"(B) counseling and support services for such students receiving fellowship assistance pursuant to subparagraph (A);

"(C) college preparation and guidance counseling at the secondary school level for students who may be eligible for fellowship assistance pursuant to subparagraph (A);

"(D) appropriate research and evaluation of the activities authorized by this paragraph; and

"(E) implementation of faculty development programs for the improvement and matriculation of American Samoan and Guamanian students.

"(2) The Secretary shall make grants to the governments of American Samoa and Guam for a demonstration project of fellowship assistance for American Samoan and Guamanian students in postbaccalaureate degree programs. Such project may include—

"(A) full or partial fellowship support for American Samoan and Guamanian students enrolled at an accredited postbaccalaureate degree granting institution of higher education, with priority given to professions in which American Samoans and Guamanians are under-represented and with awards to be based on academic potential and financial need;

"(B) counseling and support services for such subparagraph (A) students receiving fellowship assistance pursuant to subparagraph (A); and

"(C) appropriate research and evaluation of the activities authorized by this paragraph.

"(3) For the purpose of subparagraph (A) of paragraph (2) fellowship conditions shall be established whereby recipients obtain an enforceable contract obligation to provide their professional services, either during their fellowship or upon completion of postbaccalaureate degree program, to the American Samoan and Guamanian community within American Samoa and Guam.

"(4) Not more than 7 percent of the funds appropriated to carry out the provisions of this subsection for any fiscal year may be used for administrative purposes.

"(5)(A) In addition to any other amount authorized to be appropriated for programs described in this section, there are authorized to be appropriated $500,000 for each of the fiscal years 1991, 1992, 1993, and 1994, to carry out the provisions of this subsection, of which—

"(i) $250,000 shall be available to the government of American Samoa; and

"(ii) $250,000 shall be available to the government of Guam.

"(B) Funds appropriated pursuant to the authority of subparagraph (A) shall remain available until expended.

"(f) DEFINITIONS.—For the purposes of this section—

"(1) the term 'American Samoan' means an individual who is a citizen or national of the United States, and is a descendant of the aboriginal people, who, prior to 1900, occupied and exercised sovereignty in the area which now comprises the Territory of American Samoa, as evidenced by—

"(A) written genealogical records;

"(B) public birth records; or

"(C) other public records on file with the archivist or High Court of American Samoa; and

"(2) the term 'Guamanian' means an individual who is a citizen or national of the United States and who is a resident of Guam.

"(g) AUTHORIZATION OF APPROPRIATIONS.—(1) In addition to any other amount authorized for programs described in this section, there are authorized to be appropriated $2,000,000 for each of the fiscal years 1991, 1992, 1993, and 1994, to carry out the provisions of this section of which—

"(A) $1,000,000 shall be available to the government of American Samoa; and

"(B) $1,000,000 shall be available to the government of Guam.

"(2) Funds appropriated pursuant to the authority of paragraph (1) shall remain available until expended.

"SEC. 4009. ALASKA NATIVE GIFTED AND TALENTED DEMONSTRATION PROGRAM.

"(a) GIFTED AND TALENTED DEMONSTRATION AUTHORITY.—(1) The Secretary shall provide a grant to, or enter into a contract with, the Rural College of the University of Alaska, located in Fairbanks, Alaska, for—

"(A) the establishment of an Alaska Native Gifted and Talented Center (hereafter in this section referred to as the 'Center') at the Rural College of the University of Alaska, located in Fairbanks, Alaska; and

"(B) the creation of demonstration projects designed to—

"(i) address the special needs of Native Alaskan elementary and secondary school students who are gifted and talented students; and

"(ii) provide support services to their families that are needed to enable such students to benefit from the project.

Such a grant or contract shall be subject to the availability of appropriated funds and, contingent on satisfactory performance by the grantee, shall be provided for a term of 4 years.

"(2) The Center shall coordinate its activities with the activities of the Alaska Department of Education and school districts within the State, and shall participate in a national network of American Indian and Native Hawaiian Gifted and Talented Programs, and to the extent practicable, with other gifted and talented programs.

"(3) The Center shall establish an Advisory Committee. Such Advisory Committee shall—

"(A) advise the Center on the development of criteria to identify gifted and talented children;

"(B) advise the Center on the development of programs to meet the special needs of these children, which may include using the Native Hawaiian Gifted and Talented Center as a resource; and

"(C) monitor the implementation of the gifted and talented programs and recommend changes, as appropriate.

"(b) USES OF FUNDS.—Demonstration projects funded under this section may include—

"(1) the identification of the special needs of gifted and talented students, particularly at the elementary school level, with attention to—

"(A) the development of criteria for identifying gifted and talented Alaska Native students;

"(B) the emotional and psychosocial needs of these children; and

"(C) the provision of such support services to their families that are needed to enable these students to benefit from the projects;

"(2) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the education needs of such gifted and talented children, including, but not limited to, demonstrating and exploring the use of Alaska Native language and exposure to Alaska Native cultural traditions;

"(3) the use of educational technology, including computers and television, in meeting the special educational needs of such gifted and talented children;

"(4) leadership programs, including the dissemination of information derived from the demonstration projects conducted under this section; and

"(5) appropriate research, evaluation, and related activities pertaining to—

"(A) the needs of such children; and

"(B) the provision of those support services to their families that are needed to enable such children to benefit from the projects.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the amounts appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized for projects described in this section, there are authorized to be appropriated $1,000,000 for each of the fiscal years 1991, 1992, 1993 and 1994. Such sums shall remain available until expended.".

S. 2167, as ordered reported, would reauthorize the Tribally Controlled Community Colleges Assistance Act of 1978, the Navajo Community College Act of 1971, and would authorize new gifted and talented demonstration projects in Guam, American Samoa, and Alaska.

BACKGROUND AND NEED

Tribally Controlled Community Colleges.—Since the enactment of the Tribally Controlled Community Colleges Act in 1978, Public Law 95–471, the number of tribally controlled community colleges has grown to 22. These colleges are located in ten midwestern and western states, and all but two are located on Indian reservations. The largest number are in Montana, where there are seven tribal colleges. There are four each in North Dakota and South Dakota, and one each in Arizona, California, Michigan, Minnesota, Nebraska, Washington, and Wisconsin.

Tribally controlled community colleges were established to provide postsecondary education to American Indians for whom such educational opportunities might not otherwise exist, and to provide such education guided by tribal traditions and values. Owing to the remoteness of reservations from cities in which vocational and academic coursework is available, the tribal colleges are a critical component in the education and training of Indian youth and adults.

Together, the tribal colleges are attended by more than 18,000 young people and adults. This year, nearly 2,000 students are attending the oldest and largest of the tribal colleges, the Navajo Community College, and more than one-fourth of these are full-time students. Full time equivalency for the 16,000 students attending the other 21 colleges is about 5,000. Enrollments in these colleges range from as few as 135 at Cheyenne River Community College to about 900 at Oglala Lakota College and Northwest Indian College.

The tribal colleges are not exclusively for Indian students, even though enrollees who are not Indians are not counted for purposes of Federal funding. Non-Indian enrollments in the colleges range as high as 25 percent, but overall, they constitute about 10 percent of those enrolled.

Of the 22 colleges, eleven are fully accredited and nine hold candidate status toward accreditation. The other two fully meet all institutional certification requirements of Public Law 95–471.

All of the colleges offer associate degrees (and/or vocational certificates), two offer bachelor of arts or science degrees, and one of these also offers a master of science degree. Programs vary by location, but, in addition to academic coursework, courses of study include nursing, business, education, trades, computer literacy and programming, agriculture, and natural resources.

Tribal College Endowment Fund.—Twenty tribal colleges received endowment grants in fiscal year 1989 averaging almost $12,000. Funds are deposited in a federally insured banking or savings institution by a tribal college on a matching basis with the

Federal government, and the interest earnings may be used by the tribal college to help meet the expenses of the college.

Gifted and Talented Demonstration Programs.—This section authorizes the establishment of three gifted and talented centers; for American Samoans, for Guamanians and for Alaska Natives, in American Samoa, Guam and Alaska, respectively. It additionally authorizes the establishment of a scholarship program for American Samoans and Guamanians. The purpose of establishing these centers is to provide culturally appropriate educational opportunities for gifted and talented children who, by virtue of their isolation and lack of resources, had little access to any educational opportunities beyond those offered through the public schools. This section is based on the American Indian and Native Hawaiian Gifted and Talented Demonstration Programs which were authorized in Public Law 100-297, the Elementary and Secondary School Improvement Amendments of 1988. Three demonstration projects for gifted and talented children and youth were authorized under this Act. The center authorized for Native Hawaiians at the University of Hawaii at Hilo has been funded and is successfully operating. Funding for the two American Indian centers to be operated by tribally controlled community colleges has been approved by the Congress, but no grants have yet been awarded.

These centers will bring children in the Pacific and in Alaska opportunities for gifted and talented programs that other children nationwide now have. In the case of American Samoa, particularly, the educational resources are extremely limited. Since American Samoa has a total population of approximately 40,000, it has a small tax base and receives relatively little federal funding. The average per capita income in American Samoa is $5,000 a year. Over 95 percent of all chidren (14,000) attend public school, of which 91 percent are of American Samoan ethnicity. Approximately 60 percent complete high school. The most recent statistics show that in 1985 approximately 16 percent of American Samoans had completed one or more years of college. In Guam, the total population is approximately 85,000, with a student population of 32,000. 26,000 of these children attend public school. Approximately 60 percent are high school graduates and 17 percent are college graduates. The average per capita income is approximately $10,000. Chamorros, the indigenous population of Guam, make up 42 percent of the population, other Pacific Islanders constitute another 36 percent, and Filipinos, Asians, and whites make up the rest of the population.

Most students in American Samoa and Guam who pursue higher education are forced to leave the islands due to limited higher education resources in the islands. Guam has a four year college and American Samoa has a two year college. Travel in the Pacific is extremely costly. Thus, the scholarship program would be used to help for travel as well as tuition costs.

Alaska's Native population today is about 85,000, of whom 21,000 are enrolled in public schools in 55 school districts. About 60 percent attend schools in small, remote villages, most of which are not on the road system of the state. In western and northern Alaska, the students are likely to come from homes in which English is the second language. Even though native students make up about one-

fifth of the school population, they make up only a tiny fraction of students identified as gifted and talented.

Legislative History

Senators McCain, Inouye, Daschle, Conrad, Burdick, Murkowski, DeConcini, and Gorton introduced S. 2167 on February 22, 1990. As introduced, the bill provided for the two-year reauthorization of appropriations for grants to the tribally controlled community colleges and the endowment program, and for construction for the Navajo Community College. No reauthorization was required for operating grants to the Navajo Community College.

Senators Conrad, Inouye, McCain, Burdick, DeConcini, and Daschle introduced S. 2213 on March 1, 1990. As introduced, the bill provided for increasing the maximum endowment grant to each school, including the Navajo Community College, to $750,000 and the authorization for such purposes to $10,000,000. It also provided that each local endowment dollar would be matched by twice that amount by the Federal government.

On April 9, 1990, Senator Conrad chaired a field hearing in Bismarck, North Dakota, on both S. 2167 and S. 2213. The Committee received testimony from nine witnesses.

All witnesses appearing before the Committee applauded the performance of tribally controlled community colleges in meeting the needs of Indian youth for educational opportunities. Witnesses told the Committee of the high rates of success that enrollees were experiencing in the tribal colleges and, later, in four year institutions, despite appropriation levels that are less than half the amount authorized by the Congress. The Administration strongly supported S. 2167, objected to S. 2213, but announced its willingness to consider the changes proposed to the endowment program in the context of the fiscal year 1992 budget.

On June 21, 1990, at a meeting of the Select Committee on Indian Affairs, Senator Conrad offered an amendment to S. 2167 in the nature of a substitute to S. 2213, and it was adopted unanimously. Chairman Inouye and Senator Murkowski proposed an amendment to authorize establishment of demonstration projects for gifted and talented children and youth in American Samoa, Guam, and Alaska, and that amendment was also adopted unanimously.

Explanation and Summary of S. 2167

As amended, S. 2167 reauthorizes tribally controlled community colleges and makes minor amendments to existing law, reauthorizes the tribal college endowment program and provides for changes to be effective in fiscal year 1992, and authorizes the establishment of demonstration centers for gifted and talented children in Guam, American Samoa, and Alaska.

Tribal college reauthorization.—The reauthorization for tribal colleges (excluding Navajo Community College, which requires no reauthorization, except for construction) provides $3,200,000 for technical assistance, $30,000,000 for operational grants, and such sums as are necessary for construction for fiscal years 1990 and 1991. These are the same levels as are authorized by current law.

In fiscal year 1992, the bill authorizes such sums as are necessary for each of these purposes. It also provides for reauthorization of construction funding for the Navajo Community College at current levels through fiscal year 1992. For fiscal year 1992, in recognition of the rising enrollments at tribal colleges, the fixed authorization for technical assistance and operating expenses is to be replaced by "such sums as necessary."

Even though the authorization level for operational grants for the colleges is continued at $30,000,000, it is important to note that in fiscal year 1990, the appropriation for all 21 tribal colleges was only $10,924,638. (This level allows only $2,189 per student, sharply less than the $5,820 authorized in the 1986 amendments to Public Law 95-471.) While the appropriation for technical assistance is authorized at $3,200,000, the actual funding level in fiscal year 1990 is $116,000. No funds have been appropriated for facilities construction.

Because tribal colleges have not been receiving their funding until well into the academic year, in addition to the reauthorization described, the bill would require the Secretary of Interior to make payment of 95 percent of a college's allocation of funds no later than 14 days after funds become available, instead of the current 40 percent. To make this possible, the bill would require that a college's allocation be based upon the preceding year's Indian Student Count, rather than the current year. Any new colleges, for which the 5 percent has been reserved, would receive allocations based upon the projected count of such colleges. After that allocation is made, any remaining funds would be distributed to the existing colleges by January 1 of each year.

The bill also requires that the Navajo Community College submit an inventory of health and safety-related facility needs to the Secretary, and requires that the Secretary review and comment upon those needs in a submission to the appropriate committees of the Congress.

Endowment.—The reauthorization of the tribal college endowment program is fixed at its current level of $5 million for fiscal year 1990 and 1991, and is increased to $10 million in fiscal year 1992. The maximum amount available to each college annually is retained at $350,000 for fiscal years 1990 and 1991, and is increased to $750,000 in fiscal year 1992. Similarly, provisions to allow tribes or others to donate real and personal property to the endowment (and qualifying such gifts for matching funds), and to change the Federal match to twice the value of donations will not become effective until 1992.

Deferral of all provisions relating to the endowment fund (except the simple reauthorization) to fiscal year 1992 was based upon the Select Committee's conclusion that, given the Administration's testimony at the Committee's hearing, that deferral could lead to support of the provisions by the Administration.

Gifted and talented demonstration programs.—The primary purpose of this section is to establish culturally appropriate gifted and talented centers for American Samoan, Guamanian and Alaska Native gifted and talented children. Research on cultural perspectives of gifted and talented students shows that there is a connection between cultural learning situations and the development of

certain talents. In this regard, talents that are likely to be found in specific cultures will be related to activities and practiced in those cultures. For example, it has been found that Eskimos score better than Western groups on tests that involve human or animal figures, including detail, memory and space. This is not surprising in view of the environment in which Eskimos live, where attention to visual detail is extremely important. It is therefore important to develop programs that will cultivate gifted and talentedness that take into consideration the cultural context of the individual. It will be equally important to develop programs that will allow students to translate these skills into generalized situations, where the student can use his or her talents to be competitive in other contexts, for example in mathematics or sciences that are more Western-oriented. Finally, it will be important to train teachers who will be involved in teaching gifted and talented American Samoan, Guamanian and Alaska Native children to understand the cultural background of the children so that their teaching methods will be appropriate to the childrens' learning style.

An important function of the centers will be to develop criteria to identify gifted and talented American Samoan, Guamanian and Alaska Native children. As other Native American gifted and talented programs have been developed, including the Native Hawaiian Gifted and Talented Progrm a major challenge has been to identify gifted and talented children. Because their academic achievement does not necessarily reflect their giftedness, it is important to develop methods to single out gifted and talented children. The projects should also develop methods to identify the educational, emotional and psychosocial needs of the students and their families and conduct activities designed to help meet those needs. Research on educational problems of Native American children has documented conclusively that a lack of self-esteem most often inhibits a student to achieve his or her potential. In this regard, a child's psycological needs, socil needs and family understanding and support must be addressed. Activities to fulfill these needs should specifically include use of native languages and focus on cultural traditions.

Educational technology, including video and computers, should be used to meet educational needs of gifted and talented children. The Native Hawaiian Gifted and Talented Program has included a video component to document the progress of the program and to offer video as a classroom tool for students to develop relevant skills. Culturally relevant educational childrens' television programs should also be developed through the gifted and talented programs. These television programs may be used both to enhance classroom learning and for television broadcasts to reach the community at large. Funding and other resources from the American Samoan, Guamanian and Alaska Native gifted and talented programs may be combined and used other programs, including the Native Hawaiian and American Indian gifted and talented programs, to develop such programming.

Two advisory councils are authorized; one for the American Samoan and Guamanian programs and one for the Alaska Native program. For the American Samoan and Guamanian advisory council members should include repesentatives of organizations al-

ready established in the Pacific Basin whose purposes are to provide services in areas throughout the Pacific Basin. Such organizations include the Pacific Region Education Laboratory, the Pacific Basin Devleopment Conference, the University of Hawaii and other similar organizations. The American and Guamanian advisory council is specifically required to report to Congress on the feasibility of establishing other gifted and talented centers in the Pacific.

To ensure that relevant information developed in other gifted and talented programs is available to the American Samoan, Guamanian and Alaska Native programs, the three centers are required to participate in a national network of gifted and talented centers. This section authorizes the establishment of three gifted and talented centers; one each in American Samoa, in Guam, and in Alaska. It additionally authorizes the establishment of a scholarship program for American Samoans and Guamanians.

SECTION-BY-SECTION ANALSYIS

Section 1. Tribally controlled community colleges.

Subsection 1(a)(1) provides that the Secretary of the Interior shall allocate grants to tribal colleges based upon the Indian student count of the preceding academic year, rather than, as at present, upon the Indian student count of the current year.

Subsection 1(a)(2) requires the Secretary to pay 95 percent of the funds available to each college no later than 14 days after appropriations become available, and payment of any additional funds (after allocation for new colleges, if any) to be made no later than January 1 of each fiscal year.

Subsection 1(a)(3) corrects a paragraph designation.

Subsection 1(b)(1) reauthorizes funding for technical assistance to tribal colleges at its current level of $3.2 million for fiscal years 1990 and 1991, and at "such sums as necessary" in fiscal year 1992.

Subsection 1(b)(2) reauthorizes funding for tribal college operations at its current level of $30 million for fiscal years 1990 and 1991, and at "such sums as necessary" in fiscal year 1992.

Subsection 1(b)(3) reauthorizes funding at the current level of such sums as necessary for a facilities report, renovation, and construction for fiscal years 1990, 1991, and 1992.

Subsection (1)(c) makes a conforming change based upon Subsection (1)(a)(1) and provides that a new tribal college's allocation is to be based upon an applicant's projected student count.

Subsection (1)(d)(1) authorizes real or personal property contributed to a college to qualify for Federal matching funds for the tribal college endowment trust fund, provides for a two-for one Federal cost-share, increases the maximum annual allocation to any single college to $750,000, and reauthorizes funding for the tribal college endowment fund at its current level of $5 million for fiscal years 1990 and 1991, and $10 million for fiscal year 1992.

Subsection (1)(d)(2) provides that, except for reauthorization of $5 million annually, new provisions affecting the tribal college endowment fund will not become effective until fiscal year 1992.

Section 2. Navajo Community College.

Subsection (2)(a) reauthorizes funding at the current level of such sums as may be necessary for fiscal years 1990, 1991, and 1992.

Subsection (2)(b) requires the Navajo Community College to submit an inventory of health and safety-related facilities needs to the Secretary and requires the Secretary to review and submit such inventory, with Departmental comments, to the appropriate committees of the Congress.

Section 3. Gifted and Talented Programs.

This section amends Title IV of the Augustus F. Hawkins, Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 by redesignating sections 4008 and 4009 as sections 4010 and 4011, respectively, and creates a new section 4008, the American Samoan and Guamanian Gifted and Talented Demonstration Program.

Subsection (3)(a)(1) authorizes the Secretary of Education to provide a grant to or enter into a contract with each of the governments of American Samoa and Guam to establish a Gifted and Talented Center in each area; authorizes demonstration projects to address the special needs of gifted and talented American Samoan and Guamanian elementary and secondary school students; and authorizes support services to their families. This grant or contract would be subject to the availability of appropriated funds, and contingent on satisfactory performance by the grantee, shall be provided for a term of 4 years.

Subsection (3)(a)(2) provides that after the expiration of the initial grant and each grant or contract, the Secretary may enter into a grant or contract with an accredited institution of higher education on an annual basis in American Samoa and Guam. The grantees are also authorized to subcontract when appropriate.

Subsection (3)(a)(3) provides that the governments of American Samoa or Guam or any accredited institution of higher education receiving a grant or entering into a contract may enter into a contract with any other person in order to carry out the demonstration projects for which the grant was awarded or for which the contract was entered into by the Secretary.

Subsection (3)(a)(4) provides that the American Samoan and Guamanian gifted and talented centers shall participate in a national network of Native Hawaiian, American Indian and Alaska Native Gifted and Talented Centers.

Subsection (3)(b)(1) provides that demonstration projects may include the identification of special needs of gifted and talented students, especially at the elementary school level, with special attention the development of criteria for identifying gifted and talented American Samoan and Guamanian students; the emotional and psychosocial needs of these children, and support services to their families that are necessarily to enable the students to benefit from the projects.

Subsection (3)(b)(2) provides that funds may also be used for educational, psychosocial and developmental projects that would contribute towards meeting the education needs of gifted and talented children. These activities should include the use of Native languages and exposure to cultural traditions.

Subsection (3)(b)(3) provides that funds may also be used for educational technology, including video and computers, in meeting the needs of gifted and talented children. Video use includes documen-

tation, classroom use, and the development of culturally relevant, educational childrens' television programming.

Subsection (3)(b)(4) provides that funds may be used for leadership programs and the dissemination of information developed from the demonstration projects. This information would be disseminated to other educational institutions and community organizations as well as other Native American groups.

Subsection (3)(b)(5) provides that funds may be used for appropriate research, evaluation and related activities that pertain to the needs of such children, to providing support services to families that will enable children to benefit from the projects, and to teacher training.

Subsection (3)(c) provides that no more than 7 percent of funds appropriated for these gifted and talented programs may be used for administrative costs

Subsection (3)(d)(1) authorizes the Secretary of Education to establish an advisory council ("Council") within 1 year after enactment of this Act.

Subsection (3)(d)(2) provides that the purposes of the Council shall be to advise in the development of criteria to identify gifted and talented children; advise in the development of programs to meet the needs of these children, using the Native Hawaiian Gifted and Talented Center as a resource; monitor the implementation of the gifted and talented programs and recommend changes where appropriate. Additionally, the Council shall study the feasibility of establishing gifted and talented programs in Pacific territories and possessions of the United States (other than American Samoa and Guam) and report on its findings to the appropriate committees of Congress within one year after the Council is established.

Subsection (3)(d)(3) provides that members of the Council shall include representatives of educational institutions, public schools, and agencies, organizations and associations throughout the Pacific Basin, including Hawaii, that are involved with the education of Pacific Basin children as well as individuals in American Samoa and Guam and throughout the Pacific Basin who have special expertise in working with Pacific Basin Islanders and their problems, including education, health and economic problems. Representation by such organizations as the Pacific Basin Development Conference, the Pacific Region Educational Laboratory, the University of Hawaii and other similar organizations should be given consideration for appointment to the Council.

Subsection (3)(d)(4) provides that Council members shall be appointed by the Secretary of Education, based on recommendations made by the governments of American Samoa, Guam and the United States Department of Education.

Subsection (3)(d)(5) provides that the Council shall elect its chairman from among its members.

Subsection (3)(d)(6) provides that not more than 15 percent of funds be appropriated to carry out the duties of the Council may be used for administrative purposes, including staff salaries.

Subsection (3)(d)(7) provides that in performance of their duties for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence payments, at a rate to be established by the Commission but not to exceed the rates author-

ized for federal employees under 5702 and 5703 of title 5, United States Code. Such sums as may be necessary to carry out the provisions of the Council are authorized.

Subsection (3)(e)(1) authorizes the Secretary of Education to make grants to the governments of American Samoa and Guam for a demonstration program to provide higher education fellowship assistance to American Samoan and Guamanian students. This demonstration program may include full or partial fellowship support for American Samoan and Guamanian students. This demonstration program may include full or partial fellowship support for American Samoan and Guamanian students enrolled at accredited two or four year degree granting institutions of higher education and who demonstrate academic potential and financial need. Fellowships may also be used for counseling and support services for these students, including travel. Additionally, eligible students may use this fellowship assistance for college preparation and guidance counseling at the secondary school level. This fellowship assistance may be used for research and evaluation of the activities described above and for faculty development programs that will improve and increase the matriculation of American Samoan and Guamanian students.

Subsection (3)(e)(2) authorizes the Secretary of Education to make grants to the governments of American Samoa and Guam for a demonstration project to provide fellowship assistance for American Samoan and Guamanian students in postbaccalaureate degree programs. Funds may be spent for full or partial fellowship support for American Samoan or Guamanian students enrolled at an accredited postbaccalaureate degree granting institution of higher education, with priority being given to professions in which American Samoans and Guamanians are under-represented and with awards to be based on academic potential and financial need. Funds may also be spent for counseling and support services, including travel, for these students receiving this fellowship assistance and for appropriate research and evaluation of the activities described in this Act.

Subsection (3)(e)(3) provides that students who receive fellowship support under (e)(2) must enter into an enforceable contract obligaion to provide their professional services, either during their fellowship or upon completion of their postbaccalaureate degree program, to the American Samoan or Guamanian communities within American Samoa or Guam.

Subsection (3)(e)(4) provides that not more than 7 percent of the funds appropriated to carry out the provisions of these subsection (e) higher education scholarships may be spent for administrative purposes.

Subsection (3)(e)(5) authorizes $500,000 for each of fiscal years 1991, 1992, 1993 and 1994 to carry out subsection (e). Of this amount, $250,000 shall be available to the government of American Samoa for each fiscal year and $250,000 shall be available to the government of Guam. Funds appropriated under subsection (e) shall remain available until expended.

Subsection (3)(f)(1) defines "Ameriocan Samoan" as an individual who is a citizen or national of the United States and is a descendant of the aboriginal people who, prior to 1900, occupied and exer-

cised sovereignty in the area which now comprises the Territory of American Samoa; as evidenced by written genealogical records; public birth records; or other public records on file with the archivist of High Court of American Samoa.

Subsection (3)(f)(2) defines "Guamanian" as an individual who is a citizen or national of the United States who is a resident of Guam.

Subsection (3)(g)(1) authorizes $2,000,000 for each of fiscal years 1991, 1992, 1993, and 1994 to carry out the provisions of this American Samoan and Guamanian Gifted and Talented Demonstrated Program. Of this amount, $1,000,000 shall be available to the government of American Samoa and $1,000,000 shall be available to the government of Guam for each fiscal year. Funds shall remain available until expended.

Section 4. Alaska Native Gifted and Talented Demonstration Program.

Subsection (4)(a)(1) authorizes the Secretary of Education to provide a grant to or enter into a contract with the Rural College of the University of Alaska, located in Fairbanks, Alaska, for the establishment of an Alaska Native Gifted and Talented Center ("Center"), and provides demonstration projects to address the special needs of gifted and talented Native Alaskan elementary and secondary school students and to provide support services to their families. This grant or contract would be subject to the availability of appropriated funds, and contingent on satisfactory performance by the grantee, shall be provided for a term of 4 years.

Subsection (4)(a)(2) provides that this center shall coordinate its activities with the activities of the Alaska Department of Education and school districts within the State of Alaska, and shall participate in a national network of American Indian and Native Hawaiian Gifted and Talented programs, and to the extent practicable, with other gifted and talented programs, including the American Samoan and Guamanian gifted and talented programs.

Subsection (4)(a)(3) authorizes the Secretary of Education to establish an advisory council for the purposes of advising the Center in the development of criteria to identify gifted and talented children; advising in the development of programs to meet the needs of these children, using the Native Hawaiian Gifted and Talented Center as a resource; monitoring the implementation of the gifted and talented programs and recommending changes where appropriate.

Subsection (4)(b)(1) provides that demonstration projects may include the identification of special needs of gifted and talented students, expecially at the elementary school level, with special attention to several areas, including the development of criteria for identifying gifted and talented Alaska Native students, the emotional and psychosocial needs of these children, and support services to their families that are necessarily to enable the students to benefit from the projects.

Subsection (4)(b)(2) provides that funds may also be used for educational, psychosocial and developmental projects that would contribute towards meeting the education needs of gifted and talented children. These activities should include the use of Native languages and exposure to cultural traditions.

Subsection (4)(b)(3) provides that funds may also be used for educational technology, including video and computers, in meeting the needs of gifted and talented children. Video use includes documentation, classroom use, and the development of culturally relevant, educational childrens' television programming.

Subsection (4)(b)(4) provides that funds may be used for leadership programs and the dissemination of information developed from the demonstration projects. This information would be disseminated to other educational institutions and community organizations as well as other Native American groups.

Subsection (4)(b)(5) provides that funds may be used for appropriate research, evaluation and related activities that pertain to the needs of such children, to providing support services to families that will enable children to benefit from the projects, and to teacher training.

Subsection (4)(c) No more than 7 percent of funds appropriated for these gifted and talented programs may be used for administrative costs.

Subsection (4)(d) This subsection authorizes $1,000,000 for each of the fiscal years 1991, 1992, 1993 and 1994 to carry out the provisions of the Alaska Native Gifted and Talented Demonstration Program. Funds shall remain available until expended.

Committee Recommendation and Tabulation of Vote

The Section Committee on Indian Affairs, in open business session on June 21, 1990, by unanimous vote and with a quorum present, recommends that the Senate pass S. 2167, as amended.

Cost and Budgetary Considerations

The cost estimate for S. 2167, as amended, as evaluated by the Congressional Budget Office, is set forth below:

U.S. Congress,
Congressional Budget Office,
Washington, DC, July 12, 1990.

Hon. Daniel K. Inouye,
Chairman, Select Committee on Indian Affairs,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the attached revised cost estimate for S. 2167, a bill to reauthorize the Tribally Controlled Community College Assistance Act of 1978 and the Navajo Community College Act, as ordered reported by the Select Committee on Indian Affairs on June 21, 1990. The revised cost estimate was based on corrected bill language sent from the Committee staff.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

Robert D. Reischauer,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 2167.

2. Bill title: A bill to reauthorize the Tribally Controlled Community College Assistance Act of 1978 and the Navajo Community College Act.

3. Bill Status: As ordered reported from the Senate Select Committee on Indian Affairs, on June 21, 1990.

4. Bill purpose. The purpose of this bill is to amend and extend the authorization for appropriations for assistance to Tribally Controlled Community Colleges and for other purposes.

5. Estimated Cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1991	1992	1993	1994	1995
Estimated authorization levels:					
Tribally controlled community college grants	30.0	31.2	.....	.....	.....
Technical assistance	3.2	3.3	.....	.....	.....
Tribally controlled community college construction grants	29.2	29.2	.....	.....	.....
Navajo community college construction grants	[1]	[1]	.....	.....	.....
Endowment grants	5.0	10.0	.....	.....	.....
American Samoan and Guamanian Gifted and Talented Program	2.0	2.0	2.0	2.0	.....
American Samoan and Guamanian student fellowship assistance	0.5	0.5	0.5	0.5	.....
Alaska Native Gifted and Talented Program	1.0	1.0	1.0	1.0	.....
Total estimated authorization	70.9	77.2	3.5	3.5	.....
Total estimated outlays	32.1	56.9	39.1	21.9	5.1

[1] Funding levels for these construction grants are to be based on the result of a Bureau of Indian Affairs study of facilities yet to be undertaken. Therefore, no estimates of these costs are included in this estimate.

The costs of this bill fall in Function 500.

Basis of estimate: The bill authorizes $30 million for Tribally Controlled Community College grants and $3.2 million for the technical assistance grants for 1991 authorizations in the bill adjusted for projected inflation.

The Tribally Controlled Community College Construction grants are authorized at such sums as may be necessary for 1991 and 1992. The funding for these construction grants is to be based on a federal study of facility needs, however. A 1988 report by the Department of Interior identified approximately $58.4 million of construction costs for these campuses. The estimated authorization level for these grants reflects the amount identified in the report spread evenly over the two-year period.

The grants for operation of the Navajo Community College are permanently authorized. The Navajo Community College Construction grants are authorized at such sums as may be necessary for 1991 and 1992. Nevertheless, funding for these grants is to be based on a Bureau of Indian Affairs study of facility needs. This report has not yet been done and CBO has no basis for estimating the size of the grants; therefore, no costs are shown with this bill.

The amounts authorized for all years for the endowment grants and the grants for the Samoan and Guamanian Gifted and Talented program, the American Samoan and Guamanian Student Fellowship Assistance program, and the Alaska Native Gifted and Talented program are specified in the bill.

Estimated total outlays assume full appropriation of the authorized levels at the beginning of the fiscal year. Spending rates for Tribally Controlled grants reflect the current program spending patterns. Estimated total outlays for the construction grants reflect the spendout rates of similar construction grants for schools. The spendout rate for the new Samoan and Guamanian Gifted and Talented Grants reflect the spendout rate of the other Indian education grant programs.

6. Estimated cost to State and local government: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On June 25, 1990 CBO prepared a cost estimate of S. 2167 based on bill language received from the Committee staff on June 22, 1990. On July 11, 1990 the Committee staff sent CBO additional and correcting language for the American Samoan and Guamanian gifted and talented program, the American Samoan and Guamanian student fellowship program, and the Alaska Native gifted and talented program.

9. Estimate prepared by: Deborah Kalcevic.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Regulatory Impact Statement

Paragraph 11 (b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 2167, as amended, will have minimal impact on regulatory or paperwork requirements.

Executive Communication

The views of the Department of Interior were communicated to the Select Committee on April 9, 1990, by Mr. Edward Parisian, Deputy to the Assistant Secretary for Indian Affairs, at its field hearing in Bismarck, North Dakota. The statement follows:

Statement of Edward Parisian, Deputy to the Assistant Secretary—Indian Affairs/Director (Indian Education), Department of the Interior

Mr. Chairman, I am pleased to be here to present the views of the Department of the Interior on S. 2167, a bill "To reauthorize the Tribally Controlled Community College Assistance Act of 1978 and the Navajo Community College Act"; and S. 2213, a bill "To increase the Federal contribution to the Tribally Controlled Community College Endowment Program." I will discuss the bills in that order.

S. 2167

We strongly support the enactment of S. 2167. Section 1 of the bill authorizes appropriations for grants to tribally controlled community colleges for two additional years, through FY 1992, by amending the Tribally Controlled

Community College Assistance Act of 1978 (25 U.S.C. 1810(a)). This section also authorizes appropriations for the endowment program for tribally controlled community colleges through FY 1992 by amending the 1978 Act (25 U.S.C. 1836). Section 2 of S. 2167 reauthorizes appropriations for the Navajo Community College through 1992 by amending the Navajo Community College Act (25 U.S.C. 640c–1).

The Bureau of Indian Affairs provides grants under these two Acts to 22 tribally controlled colleges for academic and administrative purposes and for the operation and maintenance of the colleges. Each college is governed by a local board of regents, a majority of whom are Indian. Most of the colleges are on Indian reservations making them accessible to the Indian students. In addition, the environment and atmosphere of the colleges are familiar to the students. Because of cultural differences and language barriers, dropout rates of Indians at traditional institutions of higher education have been high. However, the retention rate at the tribally controlled community colleges is 89.28 percent; the drop-out rate is 10.72 percent.

The 22 tribally controlled colleges are located in 10 midwestern and western states. Twenty of the colleges are located on reservations. The colleges are sponsored by 36 Indian tribes. During the 1988–1989 academic term, the colleges enrolled 16,787 Indian students and 4,208 non-Indian students, for a total of 20,995 students. During the academic year, the colleges awarded 152 one-year certificates, 427 AA/AAS degrees, and 35 BA/BS/MA degrees. The age of the students range from 16 to 85 years. The composition of the student body is 5,964 males and 10,823 females for the Indian students, and 1,320 males and 2,888 females for the non-Indians. These colleges play an important role in the education of individual Indians and in the development of Indian tribal governments.

S. 2213

We cannot support the enactment of S. 2213. This bill would increase the Federal contribution to the Tribally Controlled Community College Endowment Program and would change the current fifty-fifty cost-sharing arrangement to a two-to-one Federal/non-Federal cost-share. We support the fifty-fifty cost-share and believe the $5 million authorization level is sufficient for FY 1991. However, we do intend to consider the changes suggested in S. 2213 in the context of the FY 1992 budget process.

The purpose of the Tribally Controlled Community College Endowment Program, established under the Act, is to provide grants for the encouragement of endowment funds for the operation and improvement of tribally controlled community colleges. Under this provision, each college that receives an endowment program grant is required to match the grant on a one-to-one basis. The endowment

grant and the matching portion must be invested in a financial institution insured by an agency of the Federal Government, or in Federal securities. Only the interest earned from the endowment fund investment may be used to defray the expenditures associated with the college.

The Bureau has maintained that the grants provided to the colleges under Title I of the Act were never intended to pay the full operating cost of the institutions and that the colleges were expected to find other sources of revenue such as foundations, philanthropic organizations, corporate entities, federal and state grants, tuition charges, etc. The Title III endowment program is ideally suited for this purpose. Technical assistance is being provided by the Bureau to the colleges in the areas of proposal writing and grantsmanship. In addition, the names of publications and other materials that list foundations, philanthropic organizations, and corporations that provide funding for Indian programs have been identified for the TCCCs. Considering the budget needs of the colleges, an endowment fund of, for example, $500,000 to $1 million invested at current interest rates would generate approximately $40,000–$80,000 in annual interest income.

The endowment program authorized under that Act provided $5 million for each of Fiscal Years 1988, 1989, and 1990. The $1,250,000 appropriated for the endowment programs for the past 3 fiscal years has been matched dollar-for-dollar by non-Federal sources.

This concludes my prepared statement. I will be happy to answer any questions that you may have.

CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes the following changes in existing law (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT OF 1978

* * * * * * *

SEC. 1808. AMOUNT OF GRANTS.

(a) FORMULA.—Except as provided in section 1811 of this title, the Secretary shall, subject to appropriations, grant for each academic year to each tribally controlled community college having an application approved by him an amount equal to the product of

(1) the Indian student count at such college during [such academic year] *the academic year preceding the academic year for which such funds are being made available*, as determined by the Secretary in accordance with section 1801(a)(7) of this title; and

(2) $5,820,

except that no grant shall exceed the total cost of the education program provided by such college.

(b) ADVANCE INSTALLMENT PAYMENTS; ADJUSTMENTS; METHODS OF PAYMENT; INTEREST OR INVESTMENT INCOME; TYPES OF INVESTMENTS.—(1) The Secretary shall make payments, pursuant to grants under this subchapter, [installments of not less than 40 percentum of the funds available for allotment, based on anticipated or actual number of full-time equivalent Indian students or such other factors as determined by the Secretary. Adjustments for overpayments and underpayments shall be applied to the remainder of such funds and such remainder shall be delivered no later than July 1 of each year.] *of not less than 95 percentum of the funds available for allotment by October 15 or no later than 14 days after appropriations become available, with a payment equal to the remainder of any grant to which a grantee is entitled to be made no later than January 1 of each fiscal year.*

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[c] *d* * * *

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APPROPRIATION AUTHORIZATION

SEC. 1810. (a)(1) There is authorized to be appropriated, for the purpose of carrying out section 1805, $3,200,000 for each of the fiscal years [1987, 1988, 1989, and 1990] *1990 and 1991, and for fiscal year 1992, such sums as may be necessary.*

(2) There is authorized to be appropriated for the purpose of carrying out section 1807, $30,000,000 for each of the fiscal years [1987, 1988, 1989, and 1990] *1990 and 1991, and for fiscal year 1992, such sums as may be necessary.*

(3) There are authorized to be appropriated such sums as may be necessary for the purpose of carrying out sections 1812(b) and 1813 for each of the fiscal years [1987, 1988, 1989, and 1990] *1990, 1991, and 1992.*

* * * * * * *

GRANT ADJUSTMENTS

SEC. 1811. (a)(1) If the sums appropriated for any fiscal year pursuant to section 1810(a)(2) for grants under section 1807 are not sufficient to pay in full the total amount which approved applicants are eligible to receive under such section for such fiscal year—

(A) the Secretary shall first allocate to each such applicant which received funds under section 1807 for the preceding fiscal year an amount equal to 95 percentum of [the product of—

(i) the per capita payment for the preceding fiscal year; and

(ii) such applicant's Indian student count for the current fiscal year;]

the payment received by such applicant under section 1808.

(B) the Secretary shall next allocate to applicants who did not receive funds under such section for the preceding fiscal year an amount equal to 100 percentum of the product of—

(i) the per capita payment for the preceding fiscal year; and

(ii) the applicant's *projected* Indian student count for the [current fiscal year] *academic year for which payment is being made.*

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TRIBALLY CONTROLLED COMMUNITY COLLEGE ENDOWMENT PROGRAM

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SEC. 1832. ESTABLISHMENT OF PROGRAM; PROGRAM AGREEMENTS.

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(b) No grant for the establishment of an endowment fund by a tribally controlled community college shall be made unless such college enters into an agreement with the Secretary which—

* * * * * * *

(2) provides for the deposit in such trust fund of—

(A) any Federal capital contributions made from appropriated under section 1836 of this title;

(B) a capital contribution by such college in an amount [equal to] *(or of a value) equal to half of* the amount of each Federal capital contribution; and

* * * * * * *

(4) provides that, if at any time such college withdraws any capital contribution made by that college, [an equal amount of Federal capital contribution] *an amount of Federal capital contribution equal to twice the amount of (or value of) such withdrawal* shall be withdrawn and returned to the Secretary for reallocation to other colleges.

* * * * * * *

(c) *Any real or personal property received by a tribally controlled community college as a donation or gift on or after the date of the enactment of this sentence may, to the extent of its fair market value as determined by the Secretary, be used by such college as its contribution pursuant to section 1832(b)(2)(b), or as part of such contribution, as the case may be. In any case in which any such real or personal property so used is thereafter sold or otherwise disposed of by such college, the proceeds therefrom shall be deposited pursuant to section 1821(b)(2)(B) but shall not again be considered for Federal contribution purposes.*

* * * * * * *

SEC. 1835. ALLOCATION OF FUNDS.

(a) From the amount appropriated pursuant to section 1836 of this titie, the Secretary shall allocate to each tribally controlled community college which is eligible for an endowment grant under this subchapter an amount for a Federal capital contribution equal to *twice the value of the property or* the amount which such college

demonstrates has been placed within the control, or irrevocably committed to the use of, the college and is available for deposit as a capital contribution of that college in accordance with section 1821(b)(2)(B) of this title, except that the maximum amount which may be so allocated to any such college for any fiscal year shall not exceed [$350,000] *$750,000.*

(b) If for any fiscal year the amount appropriated pursuant to section 1836 of this title is not sufficient to allocate to each tribally controlled community college an amount equal to *twice the value of property or* the amount demonstrated by such college pursuant to subsection (a) of this section, then the amount of the allocation to each such college shall be ratably reduced.

SEC. 1836. AUTHORIZATION OF APPROPRIATIONS.

(a) There is authorized to be appropriated to carry out the provisions of this subchapter $5,000,000 for each of the fiscal years 1987, 1988, 1989, [and 1990] *1990 and 1991, and for fiscal year 1992, $10,000,000.*

Note: Except for the reauthorization of appropriations for the tribal college endowment for fiscal years 1990 and 1991, all amendments for sections 1832 through 1836 shall take effect on October 1, 1991.

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NAVAJO COMMUNITY COLLEGE

SEC. 640c. STUDY OF FACILITIES NEEDS.

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(c) No later than March 1991, an inventory prepared by the Navajo Community College identifying repairs, alterations, and renovations to facilities required to meet health and safety standards shall be submitted to the Secretary and appropriate committees of Congress. Within sixty days following receipt of such inventory, the Secretary shall review the inventory, evaluating the needs identified, and transmit the written comments of the Department to the appropriate committees of the Congress, together with the Department's evaluation prepared by the health and safety division of the Bureau of Indian Affairs.

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SEC. 640c–1. AUTHORIZATION OF APPROPRIATIONS.

(a)(1) For the purpose of making construction grants under sections 640a to 640c–2 of this title, there are hereby authorized to be appropriated such sums as may be necessary for each of the fiscal years [1987, 1988, 1989, and 1990] *1990, 1991, and 1992.*

○